

1 LEON DAYAN (State Bar No. 153162)
ABIGAIL V. CARTER*
2 RAMYA RAVINDRAN*
LANE M. SHADGETT*
3 J. ALEXANDER ROWELL*
BREDHOFF & KAISER P.L.L.C.
4 805 Fifteenth Street NW, Suite 1000
Washington, DC 20005
5 Telephone: (202) 842-2600
Facsimile: (202) 842-1888
6 ldayan@bredhoff.com
acarter@bredhoff.com
7 rravindran@bredhoff.com
lshadgett@bredhoff.com
8 arowell@bredhoff.com
*Application *pro hac vice* forthcoming

9 Daniel Feinberg, SBN 135983
10 Catha Worthman, SBN 230399
Anne Weis, SBN 336480
11 **FEINBERG, JACKSON, WORTHMAN
& WASOW, LLP**
12 2030 Addison Street, Suite 500
Berkeley, CA 94704
13 Tel. (510) 269-7998
Fax (510) 269-7994
14 dan@feinbergjackson.com
catha@feinbergjackson.com
15 anne@feinbergjackson.com

16 *Attorneys for Plaintiffs*

17 **UNITED STATES DISTRICT COURT**
18 **NORTHERN DISTRICT OF CALIFORNIA**
19 **SAN FRANCISCO DIVISION**

20 AMERICAN FEDERATION OF
21 GOVERNMENT EMPLOYEES, AFL-CIO, et
al.,

22 Plaintiffs,

23 v.

24 DONALD J. TRUMP, in his official capacity as
25 President of the United States, et al.,

26 Defendants.
27
28

Case No.: 3:25-cv-03070-JD

**DECLARATION OF MICAH
NIEMEIER-WALSH**

DECLARATION OF MICAH NIEMEIER-WALSH

I, Micah Niemeier-Walsh, declare as follows:

1. I am over 18 years of age and competent to give this declaration. This declaration is based on my personal knowledge, information, and belief.

2. I am an Industrial Hygienist at the National Institute for Occupational Safety & Health (“NIOSH”), in the Department of Health and Human Services. I began my first role with NIOSH in 2012. I have worked for NIOSH for a total of 8.5 years. In my current role, I serve as a technical expert for the National Firefighter Registry for Cancer researching the impact of occupational exposures on firefighter health.

3. I am the Vice President of the American Federation of Government Employees Local 3840 (“Local 3840” or the “Union”). I have been involved in Union leadership for 5 years.

4. Local 3840 represents a bargaining unit of 215 civil servants who work for NIOSH. These employees include Industrial Hygienists, Materials Engineers, Technical Information Specialists, Health Communications Specialists, and Research Epidemiologists in Cincinnati, Ohio, as well as in Kentucky and Indiana. These bargaining unit members perform research in the areas of industrial hygiene, epidemiology, and engineering in occupational environments to address health and safety for workers. To the best of my knowledge, none of the employees in our unit work in positions critical or related to national security. On its face, the March 27, 2025 Executive Order titled “Exclusions from Federal Labor Management Relations Programs” (“Executive Order”) appears to cover all of the workers in Local 3840’s bargaining unit.

5. Local 3840’s mission is to advocate for and promote the interests of bargaining unit members in their federal employment, including working for a safe and fair workplace for all members. As the exclusive bargaining representative of these workers, the Union provides many services to all bargaining unit members. Core functions of the Union include collective bargaining with the agency to obtain a fair and reasonable collective bargaining agreement (“CBA”); filing and negotiating grievances against the agency to enforce the terms and

1 conditions of the CBA; pursuing arbitrations on behalf of workers to enforce the CBA; and
2 providing other support, guidance, and resources to bargaining unit employees. Prior to January
3 20, 2025, Local 3840 fostered a relationship with NIOSH management that allowed for open
4 communication and collaboration over workplace conditions, including the work environment
5 and NIOSH's commitment to scientific integrity.

6 6. The Executive Order will have an immediate adverse effect on the Union's ability
7 to provide these services to unit members, to accomplish its mission, and to maintain its
8 relationship with NIOSH management. The Executive Order will also have an immediate
9 adverse impact on workers in the bargaining unit.

10 7. If the Union is no longer the exclusive bargaining representative of the unit, the
11 Union cannot enforce the CBA against the agency. The CBA, which is effective from April
12 2023 to April 2029, provides important rights and protections to workers. For instance, the
13 CBA:

- 14 a. Sets terms and conditions for working hours, overtime, sick leave, holidays, and
15 paid time off for workers in the unit.
- 16 b. Imposes safety and health requirements to ensure the welfare of workers in their
17 place of employment.
- 18 c. Establishes protections for workers regarding reduction-in-force ("RIF") actions
19 and procedures.
- 20 d. Imposes procedures for and limitations on disciplinary and adverse actions against
21 workers.
- 22 e. Provides for an Employee Assistance Program for individuals who have problems
23 associated with alcohol, drug, marital, family, legal, financial, stress, attendance,
24 and other personal concerns.
- 25 f. Establishes grievance and arbitration procedures for employees and the Union to
26 resolve disputes with the agency over employment matters.

1 g. Provides for official time, which allows bargaining unit employees to perform
2 union representation activities during certain amounts of time the employee
3 otherwise would be in a duty status, without loss of pay or charge to annual leave,
4 and on agency property.

5 Without the Union to represent them and enforce the CBA, the workers will not have the
6 benefit of those rights and protections going forward. I understand that the agency is directed to
7 rescind the CBA under the Executive Order.

8 8. As a result of the Executive Order, pending grievances and arbitrations to
9 vindicate workers' rights, including under the CBA, will be left unresolved. Local 3840 has filed
10 a grievance over NIOSH's Return to Office directive. We are aware of employees in our unit
11 who felt coerced to resign their employment because they could not comply with the directive in
12 the short time frame offered by NIOSH.

13 9. The Union's activities are funded through members' voluntary dues, most of
14 which are paid through payroll deduction from their pay. If AFGE can no longer receive dues
15 through payroll deduction under the Executive Order, that will make it significantly more
16 difficult for the Union to continue to function and to provide the services and protection to unit
17 members listed above.

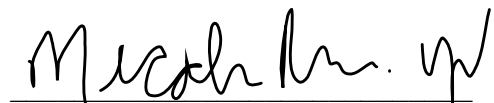
18 10. I received notice in the HHS portal for logging official time that my access to the
19 portal—and, presumably, my ability to count union representation time toward my work hours—
20 would expire five days from Monday, March 31.

21 11. If Local 3840 officers can no longer make use of official time, it will be
22 impossible for the Union to fulfill its representational duties. Union officers must partake in
23 meetings with management and with employees that necessarily occur during work hours.
24 Requiring officials to take leave to participate in these meetings would be unduly burdensome to
25 those officials who are democratically elected to represent their colleagues. This is especially
26 true as the demand on Local 3840 officers' time has greatly increased since January 20, 2025,
27 due to the impact and implementation of policy changes and human resources staffing shortages.

12. The Executive Order is chilling workers' speech and activity. Losing the Union's representational services will make me feel unprotected at work. I know firsthand that my colleagues are afraid to raise concerns about management, workplace misconduct, or working conditions. I also know that some workers are now are afraid to join or participate in the Union at all, because they are worried about further retaliation from the Administration. Additionally, because this Executive Order targets federal unions and their employees, I am now reluctant to criticize the administration or voice political views the administration may not approve of, for fear of further retaliation. I understand from my interactions with other federal employees that many of them feel the same way.

13. I have spoken out publicly, personally and on behalf of our Union, against the attacks on Federal Employees and Federal Employee Unions. I am aware that some people have stated that Cincinnati NIOSH may be targeted by the Administration because our Union has spoken out against them. Others have also stated that I, personally, am likely a target because I have spoken out publicly to the press about the CDC communications blackout and the current challenges NIOSH employees face in accomplishing the NIOSH mission due to actions by the Presidential Administration.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed April 1, 2025, in Cincinnati, Ohio.



Micah Niemeier-Walsh